

Notice of Allowability

Application No.

09/810,428

Applicant(s)

HOOK ET AL.

Examiner

Art Unit

Padmavathi v. Baskar

1645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/17/06.
2. ☒ The allowed claim(s) is/are 1, 5, 35, 13, 14, 23, 29 and 30 and have been renumbered as 1-8 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. Applicants amendment filed on 11/17 /06 has been entered.

Status of claims

2. Claims 2, 6, 8-12, 24-26 and 31-32 are canceled

Claims 1 and 23 have been amended

New Claim 35 has been added to the elected invention.

Claims 1, 3-5, 7, 13, 14, 23, 29, 30, 33-34 and 35 are under examination.

Claims 15-22, 27-28 are withdrawn from consideration.

Examiner's amendment

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Aaron Schulman on 2/13/07 (see attached interview summary). The application has been amended as follows:

Claims 3,4, 7, 15-22, 27-28 and 33-34 are canceled.

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Claim 1.(Currently Amended) An isolated cross-reactive monoclonal antibody which binds to an epitope that is recognized by monoclonal antibody 11H 11 set forth as SEQ.ID.NO: 2 and SEQ.ID.NO: 4, wherein said antibody is cross-reactive to both *S. aureus* and *S. epidermidis*, and wherein said antibody is capable of inhibiting adhesion of *S. aureus* to collagen and displacing *S. aureus* bound to collagen.

Claim 13. (Currently Amended) A diagnostic kit comprising an antibody according to Claim 1 and a detectable label means for detecting antibody binding.

Claim 14 . (Currently Amended) A ~~pharmaceutical composition for treating or preventing an infection of *S. aureus* or *S. epidermidis*~~ comprising an effective amount of the antibody of Claim 1 and a pharmaceutically acceptable vehicle, carrier or excipient.

Claim 23. (Currently Amended) An isolated monoclonal antibody which binds to an epitope that is recognized by monoclonal antibody 11H 11 set forth as SEQ.ID.NO:2 and SEQ.ID.NO: 4, that is cross-reactive to both *S. aureus* and *S. epidermidis* which is generated against amino acids 151-318 of the collagen binding domain of the *S. aureus* CNA protein, and which is capable of inhibiting adhesion of *S. aureus* to collagen and displacing *S. aureus* bound to collagen.

Claim 35. (Currently Amended) An isolated monoclonal antibody which binds to an epitope that is recognized by monoclonal antibody 11 H11 set forth as SEQ.ID.NO: 2 and SEQ.ID.NO:

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Claim rejections withdrawn

4. In view of amendment to the claims 1 and 23, all the rejections of record are ~~to be~~ withdrawn. The deposit information of the cross reactive monoclonal antibody (mAb11H11) is not required as the specification on page 49, example 4, page 50, lines 12-22 (variable light chain), page 51, lines 1-12 (variable heavy chain) and page 51 example 5 disclose light and heavy sequences of members of CNA 19 antibody including mAb11H11,

Conclusion

5. Claims 1, 5, 35, 13, 14 23, 29 and 30 are allowed and have been renumbered as 1-8 respectively.

6. Papers related to this application may be submitted to Group 1600, AU 1645 by facsimile transmission. Papers should be transmitted via the PTO Fax Center, which receives transmissions 24 hours a day and 7 days a week. The transmission of such papers by facsimile must conform to the notice published in the Official Gazette, 1096 OG 30, November 15, 1989. The Right Fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PMR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PMR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PMR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Padma Baskar Ph.D., whose telephone number is ((571) 272-0853. A message may be left on the Examiner's voice mail system. The Examiner can normally be reached on Monday to Friday from 6.30 a.m. to 4.00 p.m. except First Friday of each bi-week.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Siew can be reached on (571) 272-0787. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1600.



Padma Baskar Ph.D



JEFFREY SIEW
SUPERVISORY PATENT EXAMINER

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CLEAN COPY OF ALLOWED CLAIMS

Claim 1. An isolated cross-reactive monoclonal antibody which binds to an epitope that is recognized by monoclonal antibody 11H 11 set forth as SEQ.ID.NO: 2 and SEQ.ID.NO: 4, wherein said antibody is cross-reactive to both *S. aureus* and *S. epidermidis*, and wherein said antibody is capable of inhibiting adhesion of *S. aureus* to collagen and displacing *S. aureus* bound to collagen.

Claim ~~5~~². An antibody according to Claim 1, wherein said antibody inhibits collagen binding of a *Staphylococcal* bacteria selected from the group consisting of *S. aureus* and *S. epidermidis*.

Claim ~~35~~³. An isolated monoclonal antibody which binds to an epitope that is recognized by monoclonal antibody 11 H11 set forth as SEQ.ID.NO: 2 and SEQ.ID.NO: 4.

Claim ~~13~~⁴. A diagnostic kit comprising an antibody according to Claim 1 and a detectable label for detecting antibody binding.

Claim ~~14~~⁵. A composition comprising an effective amount of the antibody of Claim 1 and a pharmaceutically acceptable vehicle, carrier or excipient.

Claim ~~23~~⁶. An isolated monoclonal antibody which binds to an epitope that is recognized by monoclonal antibody 11H 11 set forth as SEQ.ID.NO:2 and SEQ.ID.NO: 4, that is cross-reactive to both *S. aureus* and *S. epidermidis* which is generated against amino acids 151-318 of the collagen binding domain of the *S. aureus* CNA protein, and which is capable of inhibiting adhesion of *S. aureus* to collagen and displacing *S. aureus* bound to collagen.

Claim ~~29~~⁷. A diagnostic kit for immunodetection comprising, in a suitable container, an antibody according to Claim ~~23~~⁶ and an immunodetection reagent.

Claim ~~30~~⁸. A diagnostic kit according to Claim ~~29~~⁷ wherein said immunodetection reagent is a detectable label that is linked to said antibody.